

BEFORE THE BOARD OF PROFESSIONAL ENGINEERS AND
PROFESSIONAL LAND SURVEYORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING ON
of ARM 24.183.2101 pertaining to) PROPOSED AMENDMENT
expiration of license - renewal, and)
ARM 24.183.2105 pertaining to expired)
certificate - renewal grace period)

TO: All Concerned Persons

1. On April 14, 2006, at 10:00 a.m., a public hearing will be held in room 489 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Professional Engineers and Professional Land Surveyors no later than 5:00 p.m., on April 7, 2006, to advise us of the nature of the accommodation that you need. Please contact Brooke Jasmin, Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2351; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdpels@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.183.2101 EXPIRATION OF LICENSE - RENEWAL

(1) remains the same.

(2) The department will notify every licensee by mailing a letter renewal form to the most current address on file ~~in the roster or to a corrected address~~ 30 to 60 days prior to the date of expiration of the license. The letter renewal form will specify the fees for renewal for a two-year period. ~~The letter will include a form for a statement by the licensee that the licensee has maintained the licensee's professional competency during the preceding biennium. This statement must be signed and returned to the board before the license will be renewed.~~

AUTH: 37-67-202, MCA

IMP: 37-67-315, MCA

REASON: The board finds it reasonable and necessary to amend this rule because the rule conflicts with new statutory language in Chapter 467, Laws of 2005 (HB

182) resulting from the 2005 legislative session. Additionally, the form mentioned in the rule is now obsolete due to HB 182.

24.183.2105 CONTINUING PROFESSIONAL COMPETENCY - CONTINUING EDUCATION (1) through (8) remain the same.

~~(9) All renewal applications will require the completion of a continuing education form specified by the board outlining PDH credit claimed. The licensee must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit with the renewal application and fee.~~

~~(10) If a license is not renewed by the board due to failure of the licensee to meet continuing education requirements, the board will notify the licensee in writing and the licensee shall have 90 days past date of notification to obtain continuing education acceptable to the board. If the licensee notifies the board in writing that the licensee intends to obtain the required continuing education within the 90-day period, the license expiration date will automatically be extended to the end of the 90-day period.~~

~~(a) Failure to obtain continuing education acceptable to the board within the 90-day period will result in non-renewal of the license;~~

~~(b) A licensee whose license is not renewed by the end of the 90-day period for failing to obtain the satisfactory PDH will be required to reapply, pay the appropriate fee and obtain the necessary PDH during the non-renewal period (not to exceed the annual requirement for two years acceptable to the board.)~~

AUTH: 37-1-319, MCA

IMP: 37-1-306, 37-1-319, MCA

REASON: The board finds it reasonable and necessary to amend this rule because the rule conflicts with new statutory language in Chap. 467, L. of 2005 (HB 182). Additionally, the form mentioned in the rule is now obsolete due to HB 182.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted by mail to Brooke Jasmin, Board of Professional Engineers and Professional Land Surveyors, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdpels@mt.gov and must be received no later than 5:00 p.m., April 24, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at <http://engineer.mt.gov>, in the Rules Notices section. The department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a

person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Professional Engineers and Professional Land Surveyors maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Professional Engineers and Professional Land Surveyors administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdpels@mt.gov or may be made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

8. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
DENIS APPLEBURY, PRESIDING OFFICER

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 13, 2006